

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
(EASTERN DIVISION)

JANE E. HEIKEN,)
)
 Plaintiff,)
)
 vs.) Cause No. _____
)
 DR. REBECCA AFT, M.D., and BARNES-)
 JEWISH HOSPITAL, a corporation,)
)
 Defendants.)

COMPLAINT AND DEMAND FOR JURY TRIAL

**COUNT I: DR. REBECCA AFT
(MEDICAL MALPRACTICE/NEGLIGENCE)**

Now comes the Plaintiff, JANE E. HEIKEN, by her attorneys, STRELLIS & FIELD, CHARTERED, and for her cause of action against the Defendant, DR. REBECCA AFT, states as follows:

1. The plaintiff is a citizen and resident of Monroe County, Illinois in the Southern District of Illinois.
2. Jurisdiction of this Court is invoked pursuant to Title 28 United States Code, Section 1332(a). The matter in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).
3. At times pertinent hereto, the defendant, DR. REBECCA AFT, M.D., was a licensed physician engaged in the practice of her profession in the City of St. Louis, in the Eastern District of Missouri.
4. On November 22, 2005, at the Alvin J. Siteman Cancer Center at Barnes-Jewish Hospital, a corporation, within the Eastern District of Missouri, the plaintiff, JANE E. HEIKEN,

while under the care and supervision of defendant, DR. REBECCA AFT, M.D., did undergo an operative procedure, namely, lumpectomy or excision of a tumor in the left breast identified as lobular carcinoma.

5. On November 22, 2005, the defendant, DR. REBECCA AFT, M.D., performed the operative procedures upon the plaintiff, JANE E. HEIKEN, as set forth above.

6. During the surgical procedure and during the care of the plaintiff, the defendant, DR. REBECCA AFT, M.D., had a duty to administer proper and adequate medical care to the plaintiff, JANE E., HEIKEN, by identifying the cancerous tissue to be excised from within the left breast of the plaintiff, JANE E. HEIKEN.

7. With plaintiff having said condition as set forth above in paragraph six (6), the defendant, DR. REBECCA AFT, M.D, was guilty of negligence by (a) failing to properly identify the lobular carcinoma tissue so that, as a consequences, said tissue would be adequately excised during the operative procedure of November 22, 2005; (b) failing to excise the lobular carcinoma in plaintiff's left breast during the operative procedure of November 22, 2005 and/or (c) failing to cause the performance of diagnostic studies to locate the lobular carcinoma tissue that was required to be excised from plaintiff's left breast.

8. As a proximate result of either one or more of the aforesaid negligent acts or omissions referred to in paragraph 7, Plaintiff, JANE E. HEIKEN, sustained severe and permanent injuries, both physically and mentally. By reason of the injuries, she has suffered and will suffer pain, disability and economic damages.

9. The plaintiff, JANE E. HEIKEN, acknowledges her attorney's duty to file an Affidavit pursuant to V.A.M.S. 538.225 within ninety (90) days of the filing of this Complaint.

WHEREFORE, plaintiff, JANE E. HEIKEN, prays for the entry of a verdict by a jury against the Defendant, DR. REBECCA AFT, M.D., in an amount of Five Hundred Thousand Dollars (\$500,000.00), plus costs of suit.

**COUNT II: BARNES-JEWISH HOSPITAL
(MEDICAL MALPRACTICE/NEGLIGENCE)**

Now comes the Plaintiff, JANE E. HEIKEN, by her attorneys, STRELLIS & FIELD, CHARTERED, and for her cause of action against the Defendant, BARNES-JEWISH HOSPITAL, a corporation, states as follows:

1. The plaintiff is a citizen and resident of Monroe County, Illinois in the Southern District of Illinois.
2. Jurisdiction of this Court is invoked pursuant to Title 28 United States Code, Section 1332(a). The matter in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).
3. At times pertinent hereto, the defendant, BARNES-JEWISH HOSPITAL, a corporation, maintained and operated a facility in the City of St. Louis in the Eastern District of Missouri, and said defendant through its partners, agents, employees and servants, held itself out and represented itself to be skillful and careful in rendering medical care and treatment.
4. On November 22, 2005, at the Alvin J. Siteman Cancer Center at Barnes-Jewish Hospital, a corporation, within the Eastern District of Missouri, the plaintiff, JANE E. HEIKEN, while under the care and supervision of defendant, BARNES-JEWISH HOSPITAL, a corporation, individually, through its agents, employees and servants, or in concert with Rebecca Aft, M.D., did undergo an operative procedure, namely, lumpectomy or excision of a tumor in the left breast identified as identified as lobular carcinoma.

5. On November 22, 2005, the defendant, BARNES-JEWISH HOSPITAL, a corporation, individually, through its agents, employees and servants, did assist Rebecca Aft, M.D., in the diagnosis of the lobular carcinoma in the left breast and did assist Rebecca Aft, M.D. during the operative procedures upon the plaintiff, JANE E. HEIKEN, as set forth above.

6. During the diagnostic preoperative procedures, the surgical procedure and during the care of the plaintiff, the defendant, BARNES-JEWISH HOSPITAL, a corporation, individually, through its agents, employees and servants, or in concert with Rebecca Aft, M.D., had a duty to administer proper and adequate medical care to the plaintiff, JANE E. HEIKEN, by identifying the cancerous tissue to be excised from within the left breast of the plaintiff, JANE E. HEIKEN.

7. With plaintiff having said condition as set forth above in paragraph six (6), the defendant, BARNES-JEWISH HOSPITAL, a corporation, individually, through its agents, employees and servants, or in concert with Rebecca Aft, M.D., was guilty of negligence by (a) failing to properly identify the lobular carcinoma tissue so that, as a consequence, said tissue would be adequately excised during the operative procedure of November 22, 2005; (b) failing to excise the lobular carcinoma in plaintiff's left breast during the operative procedure of November 22, 2005 and/or (c) failing to cause the performance of diagnostic studies to locate the lobular carcinoma tissue that was required to be excised from plaintiff's left breast.

8. As a proximate result of either one or more of the aforesaid negligent acts or omissions referred to in paragraph 7, Plaintiff, JANE E. HEIKEN, sustained severe and permanent injuries, both physically and mentally. By reason of the injuries, she has suffered and will suffer pain, disability and economic damages.

10. The plaintiff, JANE E. HEIKEN, acknowledges her attorney's duty to file an Affidavit pursuant to V.A.M.S. 538.225 within ninety (90) days of the filing of this Complaint.

WHEREFORE, plaintiff, JANE E. HEIKEN, prays for the entry of a verdict by a jury against the Defendant, BARNES-JEWISH HOSPITAL, a corporation, in an amount of Five Hundred Thousand Dollars (\$500,000.00), plus costs of suit.

STRELLIS & FIELD, CHARTERED,

BY 

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ATTORNEYS FOR PLAINTIFF